cc: Mr. Paul D. Smith, Mr. C. H. Goldsmith

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September 26, 1969

Mr. H. Thomas Austern
Covington & Burling
888 Sixteenth Street N.W.
Washington, D.C. 20006

re: Chemosol

Dear Mr. Austern:

As you know, following the recent agreement to your letter of August 1, 1967 by the American Chemosol Corporation to have carried out through the auspices of the tobacco industry the independent test of Chemosol, I was asked to bring together the representatives of the nine sponsoring companies for the purpose of agreeing upon a technical program for the test. Accordingly, I reactivated the subcommittee which had previously dealt with the matter of a Chemosol test protocol to be followed by Hazleton Laboratories, and requested this group to contact Hazleton and to update the protocol.

The new protocol was presented to the technical representatives of the nine sponsoring companies at a meeting in New York on September 10, 1969 at which time the representatives reviewed the protocol in the presence of Mr. James Gargus of Hazleton Laboratories, and agreed upon certain modifications. At that time we had in hand the comments submitted by you in writing through Mr. Allan Topol, who was also present at the New York meeting.

We then requested the protocol subcommittee to revise the protocol in line with the discussions in New York, and to resubmit it to the technical representatives, the plan being that when we had had an opportunity to re-examine it, we would attempt to obtain agreement and approval.

During this period I have been in close contact with the subcommittee which had a meeting on Monday, September 15, at Hazleton for the purpose of revising the protocol according to our instructions. I understand that you attended that meeting (unannounced) and that you made some rather strong remarks about the effectiveness of the technical representatives in preparing an adequate protocol.

There are obviously some differences of opinion between you and the technical representatives regarding the conditions under which this test can be properly carried out. I wish to make clear to you a number of points on which the technical representatives are unanimously agreed; and so that there will be no misunderstanding on this score, I am outlining these points in writing, as follows:

1. It is our firm opinion that unless we receive in writing a certificate or assurances from the Chemosol representatives who supervise the cigaret preparation that the treatment has been applied properly, and that the samples are valid samples for the purpose of testing the Chemosol hypothesis, there is no point in continuing with the bioassay tests. It is, therefore, necessary before any company can properly set up the conditions for applying Chemosol to the test tobacco, that the Chemosol representatives agree to this procedure and, in fact, indicate in as much detail as possible the conditions of the tobacco and the environment in which the application is to be made. There is no doubt in our minds about the need for this kind of a preliminary negotiation with the Chemosol representatives, since they have declared in past documents the necessity for precise humidity control, etc., if the treatment is to be successful.

2. It is also, in our opinion, necessary for a technical representative from the industry to be present at the negotiations with Chemosol regarding the conditions of Chemosol application, since there will undoubtedly be questions of a technical nature coming up in the discussion which will need to be answered during those negotiations. Some of their demands may not be technically feasible; and unnecessary or impractical concessions made in the absence of technical advice may be embarrassing.

3. During the course of the tests by Hazleton the work must be followed by a technical liaison representative of the industry. The industry representative must be able to certify at the end that Hazleton has followed the requirements of the protocol, and has employed adequate quality control measures in the course of the tests. It is not enough simply to receive an invoice at regular intervals from Hazleton as an indication of their progress. The monitoring of the program by a technical representative is just good business practice and should be followed in this case.

We hope that you will see fit to keep these points in mind in your considerations of the Chemosol test program. As you know, there are many factors which can go astray in the course of the test, factors which are vital to the success of the test in terms of giving a valid result, and we need to follow this path very carefully.

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The protocol subgroup is well along with the description of how the cigaret samples are to be prepared. We fully expect this and the revised bioassay protocol to be reviewed and approved by the sponsoring representatives at an early date.

Sincerely yours,

H Wakeham

H. Wakeham, Vice President
Corporate Research and Development

cc: Mr. E. S. Harlow
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